|  |  |
| --- | --- |
| **Notice of breach of duty to resident(s)  of caravan park** |  |

***Residential*** ***Tenancies Act 1997***Section 208(1) and (2)

The owner or agent may use this form to let the resident know that they have breached their duty as a resident.

**Part A – Information for the resident**

This is a breach of duty notice. It tells you that the owner or agent believes you have breached your duty as a resident. You can find details of the breach at section 4 of the form, along with the required remedies and compensation required to be paid (if any).

**Reasons that a breach of duty notice may be issued**

* Using the site for purpose other than a residential purpose
* Improper use of site, caravan park and facilities
* Rent and other agreed charges not paid on due date and/or in agreed manner
* Interfering with the privacy, peace and/or quiet of other occupants
* Not keeping the site clean
* Poor condition of the site or caravan that detracts from general standard of caravan park
* Not keeping the caravan in good repair
* At the end of a residency, not leaving the site reasonably clean and tidy and in the same condition as when the resident entered into possession
* At the end of residency, not leaving the caravan in the same condition as when the resident entered into occupation
* Unreported damage by a resident and/or failure to pay compensation
* Unreported damage to or breakdown of communal facilities
* Allowing a greater number of persons to reside on the site than agreed
* Failing to observe the caravan park rules
* Refusing to permit entry.

**Seeking advice**

If you disagree with the specific reasons listed in section 4 of this notice, you should seek advice immediately by contacting one of the community legal organisations listed on the Consumer Affairs Victoria website. For further information, visit the renting section of the Consumer Affairs website at [www.consumer.vic.gov.au/renting](http://www.consumer.vic.gov.au/renting) or call 1300 55 81 81.

**Part B – Notice**

1 Address of caravan (include site no.)

|  |  |  |  |
| --- | --- | --- | --- |
| Site no. |  | Park name |  |
| Address |  |  | Postcode |

2 Resident details

|  |  |
| --- | --- |
| Full name of **resident 1 1** |  |

|  |  |
| --- | --- |
| Full name of **resident 2** |  |

|  |  |
| --- | --- |
| Full name of **resident 3** |  |

|  |  |
| --- | --- |
| Full name of **resident 4** |  |

**Note:** If there are more than four residents, include details on an extra page.

3 Owner details

Full name of owner (this cannot be an agent’s name)

|  |
| --- |
|  |

Owner address for serving documents (this may be an agent’s address)

|  |  |  |
| --- | --- | --- |
|  | Postcode |  |

Contact details

|  |  |
| --- | --- |
| Business hours |  |

|  |  |
| --- | --- |
| After hours |  |

|  |  |
| --- | --- |
| Email address |  |

4 Reason for notice

A notice of breach of duty must be in writing and:

* specify the breach,
* give details of the loss or damage, if any, caused by the breach, and
* require the person, within the required time after receiving the notice, to remedy the breach if possible and to compensate the person to whom the duty is owed, if the breach has resulted in loss or damage to that person.

The owner should refer to page 6 for the reasons to give the form, choose the relevant reason and section number required under the Act, copy it in the box below and add the required detail. The owner must explain why the notice has been given. It is not enough to just quote from the Act. There must be enough information for the resident to understand why the notice has been given. Information to help explain the reasoning behind the notice has been provided on page 6.

I believe you have breached your duty as a resident because:

|  |
| --- |
|  |

The loss or damage (if any) caused is:

|  |
| --- |
|  |

**Compliance and compensation (if any) required**

I require you to remedy the breach within:  *(owner to circle appropriate breach and timeframe)*

|  |  |
| --- | --- |
| **Relevant breach** | **Timeframe** |
| s 204 (refused entry) for a reason listed at s 201(1)(b),(d) (*see list at page 6)* | 3 days |
| All other breaches under this Notice | 7 days |

after receiving this notice by: *(describe what the resident needs to do to remedy this)*

|  |  |
| --- | --- |
|  | |
| AND pay me compensation of: ($) |  |

*Note: You can only claim compensation for your loss and damage suffered, and provide evidence to support it.*

You must not commit a similar breach again. If you do not comply with this notice the owner may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a compensation or compliance order or, if s 206AX (successive breaches by resident) applies, may give notice to vacate.

|  |
| --- |
| Is documentary evidence attached?  No  Yes ­- provide details of the evidence attached (e.g. receipts, photographs) |
|  |

5 Delivery of this notice

* The notice period begins when the resident is estimated to receive this notice.
* For information on postage times from different locations, please refer to the Australia Post website <https://auspost.com.au/parcels-mail/calculate-postage-delivery-times>
* If sending by post, the owner must allow for the delivery time in calculating the proposed termination date.
* If sending by registered post, the owner should keep evidence of the mail delivery method used to send this notice.

|  |  |
| --- | --- |
|  |  |

This notice was sent on: (insert date)

This notice has been delivered:

|  |
| --- |
| personally, for example by hand |

|  |  |  |  |
| --- | --- | --- | --- |
| by ordinary/registered  post | Expected delivery time |  | (please see the Australia Post website) |

|  |  |
| --- | --- |
| Registered post tracking number (if applicable) |  |

|  |
| --- |
| by email (if consent has been provided by the resident) |

|  |  |
| --- | --- |
| Email/postal address resident 1 |  |

|  |  |
| --- | --- |
| Email/postal address resident 2 |  |

|  |  |
| --- | --- |
| Email/postal address resident 3 |  |

|  |  |
| --- | --- |
| Email/postal address resident 4 |  |

Note: If there are more than four residents, include details on an extra page.

6 Signature of owner or agent

|  |  |
| --- | --- |
| Signature |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Name |  | Date |  |

# Help or further information

For further information, visit the renting section – Consumer Affairs Victoria website at [www.consumer.vic.gov.au/renting](http://www.consumer.vic.gov.au/renting) or call the Consumer Affairs Victoria on **1300 55 81 81**.

**Telephone interpreter service**

If you have difficulty understanding English, contact the Translating and Interpreting Service (TIS) on 131 450 (for the cost of a local call) and ask to be put through to an Information Officer at Consumer Affairs Victoria on 1300 55 81 81.

**Arabic**

إذا كان لديك صعوبة في فهم اللغة الإنكليزية، اتصل بخدمة الترجمة التحريرية والشفوية (TIS) على الرقم 450 131 (بكلفة مكالمة محلية) واطلب أن يوصلوك بموظف معلومات في دائرة شؤون المستهلك في فكتوريا على الرقم 81 81 55 1300.

**Turkish** İngilize anlamakta güçlük çekiyorsanız, 131 450’den (şehir içi konuşma ücretine) Yazılı ve Sözlü Tercümanlık Servisini (TIS) arayarak 1300 55 81 81 numerali telefondan Victoria Tüketici İşleri’ni aramalarını ve size bir Danişma Memuru ile görüştürmelerini isteyiniz.

**Vietnamese** Nếu quí vị không hiểu tiếng Anh, xin liên lạc với Dịch Vụ Thông Phiên Dịch (TIS) qua số 131 450 (với giá biểu của cú gọi địa phương) và yêu cầu được nối đường dây tới một Nhân Viên Thông Tin tại Bộ Tiêu Thụ Sự Vụ Victoria (Consumer Affairs Victoria) qua số 1300 55 81 81.

**Somali** Haddii aad dhibaato ku qabto fahmida Ingiriiska, La xiriir Adeega Tarjumida iyo Afcelinta (TIS) telefoonka 131 450 (qiimaha meesha aad joogto) weydiisuna in lagugu xiro Sarkaalka Macluumaadka ee Arrimaha Macmiilaha

Fiktooriya tel: 1300 55 81 81.

**Chinese** 如果您聽不大懂英語，請打電話給口譯和筆譯服務處，電話：131 450（衹花費一個普通電話費），讓他們幫您接通維多利亞消費者事務處（Consumer Affairs Victoria）的信息官員，電話：1300 55 81 81。

**Serbian** Ако вам је тешко да разумете енглески, назовите Службу преводилаца и тумача (Translating and Interpreting Service – TIS) на 131 450 (по цену локалног позива) и замолите их да вас повежу са Службеником за информације (Information Officer) у Викторијској Служби за потрошачка питања (Consumer Affairs Victoria) на 1300 55 81 81.

**Amharic**  በእንግሊዝኛ ቋንቋ ለመረዳት ችግር ካለብዎ የአስተርጓሚ አገልግሎትን (TIS) በስልክ ቁጥር 131 450 (በአካባቢ ስልክ ጥሪ ሂሳብ) በመደወል ለቪክቶሪያ ደንበኞች ጉዳይ ቢሮ በስልክ ቁጥር 1300 55 81 81 ደውሎ ከመረጃ አቅራቢ ሠራተኛ ጋር እንዲያገናኝዎት መጠየቅ።

**Dari**

اگر شما مشکل دانستن زبان انگلیسی دارید، با اداره خدمات ترجمانی تحریری و شفاهی (TIS)به شماره 450 131 به قیمت مخابره محلی تماس بگیرید و بخواهید که شما را به کارمند معلومات دفتر امور مهاجرین ویکتوریا به شماره 1300 55 81 81 ارتباط دهد.

**Croatian** Ako nerazumijete dovoljno engleski, nazovite Službu tumača i prevoditelja (TIS) na 131 450 (po cijeni mjesnog poziva) i zamolite da vas spoje s djelatnikom za obavijesti u Consumer Affairs Victoria na 1300 55 81 81.

**Greek** Αν έχετε δυσκολίες στην κατανόηση της αγγλικής γλώσσας, επικοινωνήστε με την Υπηρεσία Μετάφρασης και Διερμηνείας (ΤΙS) στο 131 450 (με το κόστος μιας τοπικής κλήσης) και ζητήστε να σας συνδέσουν με έναν Υπάλληλο Πληροφοριών στην Υπηρεσία Προστασίας Καταναλωτών Βικτώριας (Consumer Affairs Victoria) στον αριθμό 1300 55 81 81.

**Italian** Se avete difficoltà a comprendere l’inglese, contattate il servizio interpreti e traduttori, cioè il Translating and Interpreting Service (TIS) al 131 450 (per il costo di una chiamata locale), e chiedete di essee messi in comunicazione con un operatore addetto alle informazioni del dipartimento “Consumer Affairs Victoria” al numero 1300 55 81 81.

Information for the owner

This section is to be removed from the form before it is given to the resident.

The number before each reason refers to the relevant section of the *Residential Tenancies Act 1997.*

Please select the reason below and add the text to section 4 of this breach of duty notice together with any supporting factual information regarding remedies and compensation (if any). You may wish to provide further information in addition to the documentary evidence required.

| **Reason** |
| --- |
| **167(1)–non-residential use**  You have used the site for a purpose other than a residential purpose. |
| **167(2)–improper use**  You or your visitor have not used the site, caravan park and/or facilities properly. |
| **169–unpaid rent/charges**  You have not paid the rent and other agreed charges and/or hiring charges on the due date and in the agreed manner |
| **170–interference with the peace**  You have interfered or allowed your visitor to interfere with the privacy and peace and quiet of the other occupants or their proper use and enjoyment of the caravan park. |
| **171(1)–site not clean**  You have not kept the site reasonably clean |
| **171(2)–poor condition of the site and/or caravan**  You have not kept the site and/or the caravan in a manner and condition which does not detract from the general standard of the caravan park as reasonably set by the caravan park owner from time to time. |
| **171(3)-site not left reasonably clean and tidy**  At the end of the residency you did not, as far as practicable, leave the site reasonably clean and tidy and in the same condition as when you entered into possession, taking into account fair wear and tear. |
| **171A(1)–caravan not in good repair**  You have not kept the caravan in a condition that is in good repair, does not pose a significant health risk and/or is safe to occupy, taking into account fair wear and tear. |
| **171A(2)- caravan not left in the same condition**  At the end of your residency you did not, as far as practicable, leave the caravan in the same condition as when you entered into occupation, taking into account fair wear and tear. |
| **173(1)–unreported damage caused by a resident**  You or your visitor have caused damage to a site, the caravan or a facility in the caravan park and you have not repaired the damage or notified me and paid compensation.  *Note: This does not apply to fair wear and tear.* |
| **173(2)–unreported damage or breakdown**  You did not report damage to a site, or damage to or breakdown of communal facilities of which you had knowledge. |
| **174–excess people**  You have allowed a greater number of persons to reside on the site than agreed. |
| **175–failure to observe caravan park rule/s**  You have failed to observe all caravan rules. The rule/s you did not observe is/are:  *Note: write rule/s in section 4 above or attach to this notice* |
| 204–refusal to permit entry for a person exercising a right of entry under section 201 *Note: Refer to s 201 to ensure that you have a right of entry, and choose the reason for entry below.* 201(b)–you did not permit a person exercising a right of entry to enter the caravan to show it to a prospective buyer or lender.201(d)–you did not permit a person exercising a right of entry to enter the caravan or site upon believing on reasonable grounds that you had failed to comply with your duty as a resident.*Note: the required time within which the resident must comply is 3 days after this notice is received. You must circle the 3 day row in section 4 above for this notice to be valid.*201(a)–you did not permit a person exercising a right of entry to enter the caravan or site to show the caravan or site to a prospective resident.201(c)–you did not permit a person exercising a right of entry to enter the caravan or site to enable the owner to carry out a duty as an owner.201(e)(i)–you did not permit a person exercising a right of entry to enter the site to inspect the site and entry for that purpose has not been made within the last 6 months.201(e)(ii)–you did not permit a person exercising a right of entry to enter the caravan to inspect the caravan and entry for that purpose has not been made within the last 6 months.*Note: the required time within which the resident must comply is 7 days after this notice is received. You must circle the 7 day row in section 4 above for this notice to be valid.* |